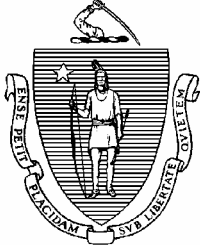


Representative PETRUCCELLI of BOSTON

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill or resolve.

[illegible]



The Commonwealth of Massachusetts

IN THE YEAR TWO THOUSAND FIVE

AN ACT RELATIVE TO THE CONSTRUCTION, OPERATION AND MAINTENANCE OF PARKS IN THE COMMONWEALTH.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 6 of Chapter 349 of the Acts of 1986 as amended by section 123 of chapter 33 of the acts of 1991 is hereby amended by striking out said section and inserting in place thereof the following section:

Section 6. The design for the Phase I park shall be as set forth in the FEIR. Development of final plans and specification and construction of the Phase I park shall commence immediately. The design of the Phase II park shall be commenced immediately by the authority, in consultation with the PAC. The PAC shall approve all preliminary and final designs for the park and no construction may commence without approval of the PAC. The authority is hereby directed to move as expeditiously as possible to design and construct the Phase II park, provided however, that except as otherwise provided herein, the authority shall have no obligation to commence construction of the Phase II park until bonds in an amount adequate to meet the expenditure necessary to construct said Phase II park have been issued and sold by the state treasurer. Notwithstanding the foregoing, in the event that said bonds have not been issued and sold on or before December 31, 2005, the construction of the Phase II park shall be funded entirely by the authority and shall commence immediately. Failure to comply will constitute

damage to the environment. This section shall be enforceable in accordance with section seven A of chapter two hundred and fourteen of the General Laws. Said remedy shall not be exclusive.

The members of the PAC shall serve without compensation. The PAC shall meet from time to time to review the operation and maintenance of the waterfront park and shall advise the authority on its compliance with the requirements of this act. The PAC shall create its own bylaws and procedures. It shall always consist of the same number of members specified above. In the event that a vacancy in the membership of the PAC occurs, for whatever reason, the remaining members of the PAC shall nominate and elect new members. The PAC is hereby authorized and directed to enter into a contract with the authority which will specify in detail the operational and maintenance requirements of the authority with respect to the Phase I park, the Phase II park, and the Bremen street park upon its transfer from the Massachusetts Turnpike Authority in accordance with section 40 of chapter 291 of the acts of 2004.

SECTION 2:Paragraph 1 of Section 8 of said Chapter 349, as appearing in section 135 of said Chapter 33, is hereby amended by striking out the first and second sentences and inserting in place thereof the following three (3) sentences:—

The authority shall fund (a) the final design, construction, operation, and maintenance of the Phase I park, (b) the final design, operation and maintenance of the Phase II park, and (c) upon its transfer from the Massachusetts Turnpike Authority, in accordance with section 40 of chapter 291 of the acts of 2004, the operation and maintenance of the Bremen street park. Except as otherwise provided for herein, the authority shall have no obligation to fund construction of the Phase II park unless and until bonds are issued and sold to meet the expenditure necessary to construct the Phase II park in accordance with section nine. Notwithstanding the foregoing, in the event that said bonds have not been issued and sold by the treasurer on or before December

31, 2005, the construction of the Phase II park shall be entirely funded by the authority and shall commence immediately.

SECTION 3:Section 9 of said Chapter 349 is hereby amended by striking out the first and second sentences, as appearing in section 136 of said chapter 33, and inserting in place thereof the following three sentences:—

The authority shall fund from its general revenues (a) the final design construction, operation and maintenance of the Phase I park, (b) the operation and maintenance of the Phase II park, and (c) upon its transfer from the Massachusetts Turnpike Authority, in accordance with section 40 of chapter 291 of the acts of 2004, the operation and maintenance of the Bremen street park. To meet the expenditure necessary to design and construct the Phase II park as provided for herein, the state treasurer shall issue and sell bonds of the commonwealth, registered or with interest coupons attached, as he may deem best, to an amount to be specified by the governor, from time, to time but not exceeding, in the aggregate, the sum of twenty million dollars.

Notwithstanding the foregoing or any other provision to the contrary, in the event that said bonds have not been issued and sold on or before December 31, 2005, the construction of the Phase II park shall be entirely funded by the authority and shall commence immediately.

SECTION 4. Sections 1 through 3 of this Act shall take effect upon passage